IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 13935US02)

In the Application of:

Jonathan Lee et al.

Serial No.: 10/629,207

Filed: July 29, 2003

For: SYSTEM AND METHOD FOR OPTIMIZING POWER COMSUMPTION

IN A MOBILE ENVIRONMENT

Examiner: Fahmida Rahman

Group Art Unit: 2116

Confirmation No.: 5674

Transmitted via the Office electronic filing

system September 2, 2010.

APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)

Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 2, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 334 days.

The basis under § 1.702 for the adjustment is as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 166 days, minus 0 days consumed by an appeal, for a net adjustment of 166 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was July 29, 2003,
- the third anniversary of the actual filing date was July 29, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on January 11, 2007.
- the first RCE was filed 166 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

 Three Year Guarantee (35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	166

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 334 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 2, 2010

By: /Mirut P. Dalal/
Mirut P. Dalal
Reg. No. 44,052
Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD. 500 West Madison Street Chicago, Illinois 60661 Telephone: (312) 775-8000

10/629,207	SYSTEM AND ME MOBILE ENVIRON		IMIZING POWER CONSUMPTION IN A	08-11- 2010::13:08:14
Patent Term	Adjustments			
Patent Term A	djustment (PTA) for	Application Num	nber: 10/629,207	
Filing or 371(c) Date:	07-29-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of I	Patent:	-	Three Years:	-
Pre-Issue Petit	ions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Pet	itions (days):	-	Total PTA (days):	168
USPTO Adjustr	ment(days):	_	Explanation Of Calculations	
Patent Term	Adjustment Hi	story		
Date	Contents Descri	ption	PTO(Days) APPL(Days)
06-01-2010	Document Verifica	ation		
06-01-2010	Notice of Allowand	ce Data Verificat	ion Completed	
05-20-2010	Examiner's Amend	dment Communi	cation	
05-13-2010	Examiner Intervie	w Summary Rec	cord (PTOL - 413)	
05-14-2010	Date Forwarded to	o Examiner		
05-14-2010	Mail Appeals conf.	Rej. withdrawn		
05-14-2010	Date Forwarded to	o Examiner		
05-10-2010	Amendment/Argu	ment after Notic	e of Appeal	
05-13-2010	Pre-Appeals Confe	erence Decision ·	- Rejection Withdrawn	
03-02-2010	Request for Pre-A	ppeal Conferenc	e Filed	
03-02-2010	Notice of Appeal F	iled		59
03-02-2010	Request for Exten	sion of Time - G	ranted	♠
10-02-2009	Mail Final Rejection	on (PTOL - 326)		1
09-30-2009	Final Rejection			
07-16-2009	Date Forwarded to	o Examiner		
06-04-2009	Response after No	on-Final Action		
03-04-2009	Mail Non-Final Re	jection		
03-02-2009	Non-Final Rejection	on		
02-04-2009	Date Forwarded to	o Examiner		
02-04-2009	Date Forwarded to	o Examiner		
01-21-2009	Request for Conti	nued Examinatio	n (RCE)	4
02-04-2009	Disposal for a RCI	E / CPA / R129		介
01-21-2009	Workflow - Reque	st for RCE - Beg	in	會
10-17-2008	Mail Final Rejection	on (PTOL - 326)		介
10-14-2008	Final Rejection			
08-07-2008	Date Forwarded to	o Examiner		
06-19-2008	Response after No	on-Final Action		83
06-19-2008	Request for Exten	sion of Time - G	ranted	1
05-19-2008	Mail Notice of Info	ormal or Non-Res	sponsive Amendment	食
05-16-2008	Date Forwarded to	o Examiner		1
03-28-2008	Informal or Non-F	Responsive Amer	ndment after Examiner	^

	Action		
03-28-2008	Response after Non-Final Action		1
12-28-2007	Mail Non-Final Rejection		
12-26-2007	Non-Final Rejection		
12-05-2007	Date Forwarded to Examiner		
12-05-2007	Date Forwarded to Examiner		
10-31-2007	Request for Continued Examination (RCE)		
12-05-2007	Disposal for a RCE / CPA / R129		
10-31-2007	Workflow - Request for RCE - Begin		
09-20-2007	Mail Final Rejection (PTOL - 326)		
09-17-2007	Final Rejection		
07-12-2007	Date Forwarded to Examiner		
07-05-2007	Response after Non-Final Action		
04-05-2007	Mail Non-Final Rejection		
03-31-2007	Non-Final Rejection		
01-29-2007	Date Forwarded to Examiner		
01-29-2007	Date Forwarded to Examiner		
01-11-2007	Request for Continued Examination (RCE)		92
01-29-2007	Disposal for a RCE / CPA / R129		企
01-11-2007	Request for Extension of Time - Granted		Û
01-11-2007	Workflow - Request for RCE - Begin		^
07-11-2006	Mail Final Rejection (PTOL - 326)		企
07-07-2006	Final Rejection		
05-08-2006	Date Forwarded to Examiner		
04-28-2006	Response after Non-Final Action		40
04-28-2006	Request for Extension of Time - Granted		介
12-19-2005	Mail Non-Final Rejection	446	
12-12-2005	Non-Final Rejection	^	
02-12-2004	Information Disclosure Statement considered	1	
10-04-2005	Case Docketed to Examiner in GAU	^	
08-11-2005	Miscellaneous Incoming Letter	^	
07-08-2004	IFW TSS Processing by Tech Center Complete	*	
07-08-2004	Case Docketed to Examiner in GAU	1	
02-12-2004	Information Disclosure Statement (IDS) Filed	^	
02-12-2004	Information Disclosure Statement (IDS) Filed	^	
05-04-2004	Transfer Inquiry to GAU	^	
01-29-2004	Application Return from OIPE	1	
01-29-2004	Application Return TO OIPE	^	
01-28-2004	Application Dispatched from OIPE	^	
01-29-2004	Application Is Now Complete	1	
12-19-2003	Additional Application Filing Fees	^	

12-19-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	4
07-29-2003	Claim Preliminary Amendment	1
10-27-2003	Notice MailedApplication IncompleteFiling Date Assigned	Ŷ
10-14-2003	Cleared by OIPE CSR	1
09-06-2003	IFW Scan & PACR Auto Security Review	^
07-29-2003	Initial Exam Team nn	1

Close Window

PATENT TERM ADJUSTMENT SPREADSHEET

Appl. Delay

Ser. No.	10/629,207	Docket No.	13935US02		,
		PTO Calculation		Applicant Calculation	ation
	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. D
12/14/2010	Projected issue date				
6/2/2010	Mail Notice of Allowance				
6/1/2010	Document Verification				
	Notice of Allowance Data				
6/1/2010	Verification Completed				
	Examiner's Amendment				
5/20/2010	Communication		III III II I	:	
5/14/2010	Date Forwarded to Examiner				
5714/2010	Mail Appeals conf. Rej. withdrawn				
5/14/2010	Date Forwarded to Examiner				
	Examiner Interview Summary				
5/13/2010	Record (PTOL - 413) Pre-Appeals Conference				
	Decision - Rejection				
5/13/2010	Withdrawn				
	Amendment/Argument after				
5/10/2010	Notice of Appeal				
	Request for Pre-Appeal				
	Conference Filed			-	
3/2/2010	Notice of Appeal Filed		65		
	Request for Extension of Time -				
3/2/2010	Granted				
	Three months after Office				
1/2/2010	action				

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9/30/2009 Final	Rejection	
7/16/2009 Date	Date Forwarded to Examiner	
Respo 6/4/2009 Action	Response after Non-Final Action	
	Mail Non-Final Rejection	
3/2/2009 Non-	Non-Final Rejection	
2/4/2009 Date	Date Forwarded to Examiner	
2/4/2009 Date	Date Forwarded to Examiner	
2/4/2009 R129	Disposal for a RCE / CPA / R129	*
6	Request for Continued Examination (RCE)	7
	Workflow - Request for RCE -	
1/21/2009 Begin		
Three 1/17/2009 action	Three months after Office action	
	Mail Final Rejection (PTOL -	\(\sigma
10/1 //2008 326) 10/1 4/2008 Final	Rejection	
8/7/2008 Date	Date Forwarded to Examiner	
6/19/2008 Action	Response after Non-Final Action	
	Request for Extension of Time - Granted	•
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5/16/2008	Date Forwarded to Examiner
3/28/2008	Informal or Non-Responsive Amendment after Examiner
3/28/2008	Response after Non-Final
3/28/2008	Three months after Office
12/28/2007	Mail Non-Final Rejection
12/26/2007	Non-Final Rejection
12/5/2007	Date Forwarded to Examiner
12/5/2007	Date Forwarded to Examiner
12/5/2007	Disposal for a RCE / CPA / R129
10/31/2007	Request for Continued Examination (RCE)
10/31/2007	Workflow - Request for RCE - Begin
9/20/2007	Mail Final Rejection (PTOL - 326)
9/17/2007	Final Rejection
7/12/2007	Date Forwarded to Examiner
7/5/2007	Response after Non-Final Action
4/5/2007	Mail Non-Final Rejection
3/31/2007	Non-Final Rejection
1/29/2007	Date Forwarded to Examiner

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1/29/2007	Date Forwarded to Examiner	
1/29/2007	Disposal for a RCE / CPA / R129	All
1/11/2007	Request for Continued Examination (RCE)	92
1/11/2007	Request for Extension of Time - Granted	4
1/11/2007	Workflow - Request for RCE - Begin	4
10/11/2006	Three months after Office action	
7/29/2006	Three year date	
7/11/2006	Mail Final Rejection (PTOL - 326)	(-
7/7/2006	Final Rejection	
5/8/2006	Date Forwarded to Examiner	
4/28/2006	Response after Non-Final Action	40
4/28/2006	Request for Extension of Time - Granted	
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3/19/2006 12/19/2005	acuon Mail Non-Final Rejection	446
12/12/2005	Non-Final Rejection	
10/4/2005	Case Docketed to Examiner in ® GAU	
8/11/2005	Miscellaneous Incoming Letter	
9/29/2004	14 month date	
7/8/2004	IFW TSS Processing by Tech [®] Center Complete	

7/8/2004 GAU 17/8/2004 Transfer Inquiry to GAU 17/2/2004 Transfer Inquiry to GAU 17/2/2004 Statement Considered 2/12/2004 Information Disclosure 2/12/2004 Information Disclosure 2/12/2004 Statement (IDS) Filed 1/29/2004 Application Return from OIPE 1/29/2004 Application Return TO OIPE 1/29/2004 Application Is Now Complete Additional Application Filing 1/28/2004 Application Filing 1/28/2003 Cleared by OIPE CSR 1/28/2003 Cleared by OIPE CSR 1/28/2003 Cleared by OIPE CSR 1/29/2003 Cleared by OIPE CSR		21 20 21 22 C 24 C 24 C 24 C 2 C 2 C 2 C 2 C 2 C	4	k	
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	5/4/2004	Transfer Inquiry to GAU	4	\	
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		inventors satisfying the			
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	10/14/2003	Cleared by OIPE CSR	4	\$=	
		IFW Scan & PACR Auto			
	9/6/2003	Security Review			
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Initial Exam	7/29/2003	Claim Preliminary Amendment			
	7/29/2003	Exam		\	

PTO APPL	(Days) (Days)	446 278	

PTA

APPL	(Days)	278	Days
PTO	(Days)	612	334